

REPORT OF THE COMMITTEE ON ZONING

Charles K. Djou, Chair; Rod Tam, Vice-Chair
Romy M. Cachola, Ann H. Kobayashi, Barbara Marshall, Members

Committee Meeting Held
February 3, 2004

Honorable Donovan Dela Cruz
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning, to which was referred Bill 4 (2004) entitled:

" A BILL FOR AN ORDINANCE TO REZONE LANDS SITUATED AT EWA, OAHU, HAWAII (AMENDING PORTION OF ZONING MAP NO. 12, EWA BEACH-IROQUOIS POINT, ORDINANCE NO. 86-114),"

transmitted by Departmental Communication No. 33 dated January 13, 2004, and which passed First Reading at the January 28, 2004 Council meeting, reports as follows:

The purpose of Bill 4 (2004) is to rezone approximately 314 acres of land in Ewa from the AG-1 Restricted Agricultural District (116.5 acres), AG-2 General Agricultural District (166.5 acres) and R-5 Residential District (31 acres) to the: (1) R-5 Residential District (147 acres); (2) A-1 Low Density Apartment District (122 acres); (3) IMX-1 Industrial Commercial Mixed Use District with a 40-foot height limit (31 acres); and (4) P-2 General Preservation District (14 acres) at the request of Gentry Investment Properties ("the Applicant") to allow implementation of the Gentry Ewa Makai Master Plan ("the Project").

Your Committee finds that the Planning Commission, after a public hearing held on January 7, 2004 at which no testimony was received in opposition to the zone change request, voted to recommend approval of the rezoning in concurrence with the recommendation of the Department of Planning and Permitting (DPP) in the Attachment to Departmental Communication No. 33 (2004).

CITY COUNCIL

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ADOPTED ON _____

COMMITTEE REPORT NO. 40

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Your Committee has reviewed the conditions recommended by the DPP to be included in a Unilateral Agreement for this rezoning and finds that they appear to be in conformance with the criteria specified in ROH Section 21-2.80 (b) and (c). In particular, your Committee finds that the following conditions appear to be necessary to prevent circumstances that may be adverse to public health, safety and welfare and fulfill needs directly emanating from the proposed project:

1. **Master Plans.** The Applicant should develop conceptual plans which further describe and govern the development of the IMX-1 area proposed by the DPP to be located in a portion of TMK 9-1-069: 005. These conceptual plans should conform to the policies, principles and guidelines in the Ewa DP. These conceptual plans should be submitted to the Department of Planning and Permitting for review and approval prior to approval of any subdivision or grading permit for the IMX-1 area. The conceptual plans required pursuant to this condition shall include the following:
 - a. **Master Site Plan.** This plan shall identify the following elements:
 - 1) All proposed public roadways, bikeways and transit stops, major pathways, and all proposed private internal roadways;
 - 2) All proposed industrial-commercial mixed-use lots.
 - b. **Master Landscape Plan.** This plan should at a minimum include the following elements:

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- 1) Minimum 20-foot landscaped buffer along the perimeter of the industrial-commercial mixed-use zoned district to mitigate potential noise, visual and air quality impacts on the surrounding area. This buffer area should be established as a landscaped easement or lot and, at a minimum, should be subject to the following requirements and restrictions:
 - a) No structure or use should be permitted in this buffer area, including off-street parking, loading, vehicular maneuvering or equipment and trash and storage areas;
 - b) It should be landscaped with ground cover, hedges, and medium and large canopy form trees to completely screen the industrial-commercial mixed-use zoned district from adjacent areas; and
 - c) Walls or fences should not be permitted in the buffer areas adjacent to the light-industrial zoned district or the existing general preservation zoned district to the east.

The Applicant shall incorporate the approved Master Site Plan and Landscape Plan as restrictive covenants for the IMX-1 area, which run with the land, to serve as notice to all developers, owners, and tenants prior to any change in ownership. The association of owners should be responsible for administering covenants consistent with these plans. A draft covenant should be submitted to the Department of Planning and Permitting for review and approval. Upon approval of the draft covenant, a certified copy

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should be filed with the Department of Planning and Permitting prior to subdivision approval.

2. **Affordable Housing Program.** Prior to subdivision, cluster or building permit approval, whichever comes first, the Applicant should execute a binding agreement to participate in an affordable housing plan acceptable to the Department of Planning and Permitting in accordance with adopted rules. The agreement shall provide for no less than the equivalent of 20 percent of the units to be delivered to households with incomes up to and including 120 percent of the median income levels or less; and no less than the equivalent of 10 percent of the units to be delivered to households with incomes up to and including 80 percent of the median income level or less. "Median income level" means the median income for Honolulu, adjusted for family size, as determined by the United States Secretary of Housing and Urban Development.
3. **Drainage.** The Applicant should prepare revised drainage master plans for Ewa Makai-East and Ewa Makai-West. These revised drainage master plans should be submitted to the Department of Planning and Permitting for review and approval prior to approval of any subdivision or grading permit for an area served by the drainage plan. The developer and/or association owners should be required to maintain all on-site grass-lined drainage channels, swales and detention basins. Evidence that such a requirement has been incorporated as a covenant shall be submitted before subdivision approval for an affected area.
4. **Wastewater.** The Applicant should prepare and submit a Site Development Master Application for Sewer Connection to the Department of Planning and Permitting prior to approval of any subdivision or grading permit.

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5. **Transportation.** The Applicant should carry out the following requirements related to traffic and transportation improvements:
- a. Fund and construct the recommended traffic and roadway improvements described in the Traffic Impact Assessment Report (dated August 2003). The scheduling of the traffic and roadway improvements should be coordinated among the Applicant and the Department of Planning and Permitting's Transportation Review Branch after consulting with the City's Department of Transportation Services (DTS), and the State's Department of Transportation (DOT). The Applicant should also complete its portion of Kapolei Parkway between the Applicant's Sun Terra residential subdivision (in Ewa by Gentry) and the northern boundary of Ocean Pointe on or before the 500th residential housing unit of this project is completed.
 - b. Prepare periodic updates to the TIAR (dated August 2003) as may be required by the Department of Planning and Permitting's Traffic Review Branch after consultation with the City's Department of Transportation Services (DTS), and the State's Department of Transportation (DOT).
 - c. Provide a 12-foot-wide landscaped setback along the Applicant's property fronting Fort Weaver Road to minimize potential impacts to adjacent uses.
 - d. Provide pedestrian, bicycle, and vehicular access from Gentry Ewa Makai to Ocean Pointe in the vicinity of the district park and elementary school planned in Ocean Pointe. The access should be identified on the Applicant's revised Roadway Master Plan that

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should be submitted to the Department of Planning and Permitting prior to approval for any subdivision or grading permit for the Ewa Makai-West area.

6. **Civil Defense.** The Applicant should install and activate a new civil defense warning siren in the vicinity of the proposed project's 3.5-acre park before the first residential housing unit is occupied. The Applicant should submit construction plans for the proposed 3.5-acre park to the City's Oahu Civil Defense Agency and the State's Civil Defense Agency to ensure that the new warning siren is installed and activated to their satisfaction.
7. **Dust Mitigation.** The Applicant should be required to prepare and submit a dust control plan to the Department of Health for their review and approval prior to approval for any subdivision or grading permit.
8. **Noise Mitigation.** All housing that will be located within the 60 DNL noise contour should be attenuated to 45 DNL or lower.
9. **Disclosures.** The Applicant should inform all prospective purchasers or lessees of residential properties in the proposed project of the potential impacts, including but not limited to traffic and aircraft noise; and noise and odor impacts from the Honouliuli Wastewater Treatment Plant, the future light-industrial park and industrial-commercial mixed-use complex.

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10. **Prior Agreements.** Compliance with the conditions established in that certain Unilateral Agreement filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii on June 29, 1998 as Document No. 2467238, and incorporated in Ordinance 98-44 shall remain in effect. In the event of any conflict between said conditions and the conditions of this Unilateral Agreement, the conditions of this Unilateral Agreement should prevail.
11. **Avigation Easement.** The Applicant should grant an avigation easement to the Department of Transportation, Airports Division, for an area of the proposed project that falls within the 60 DNL noise contour or higher as identified on noise exposure maps described in Section 508D-15(2), HRS. The exact area of said avigation easement should be established to the satisfaction of the Department of Transportation, Airports Division.
12. **Compliance with Other Governmental Requirements.** Standard condition concerning governmental approvals.
13. **Annual Reports.** Standard condition concerning annual written status report to DPP of compliance with conditions of approval for the zone change.
14. **Noncompliance with Conditions.** Standard condition concerning noncompliance with conditions of the zone change.
15. **Failure to Fulfill Any Conditions.** Standard condition concerning revocation of the permits issued under the zoning and grounds for the enactment of ordinances making further zone changes.

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At your Committee's meeting of February 3, 2004, a representative of the Applicant stated the Applicant is still in discussions with the DPP regarding possible revisions to certain conditions.

In the Attachment to Departmental Communication No. 33 (2004), the DPP reported the Project would consist of the following: (1) 810 single-family housing units; (2) 1,275 multi-family and cluster housing units; (3) two neighborhood parks, one of 3.5 acres and one of 8 acres; (4) one middle school; (5) two church sites; (6) one community recreation center; (7) an industrial-commercial complex; (8) 14 acres of passive open space that will primarily serve as a drainage corridor; and (9) 14.5 acres of roadways, sidewalks and bike paths. The Project will take approximately 13 years to complete.

On February 3, 2004, your Committee received testimony in support of the proposed rezoning.

Your Committee finds that the rezoning proposed in this bill appears to be consistent with the General Plan and Development Plan of the City and in the best interests of the people of the City and County of Honolulu. Your Committee plans to consider this matter further following the receipt of public testimony at the public hearing thereon to be held as required by law.

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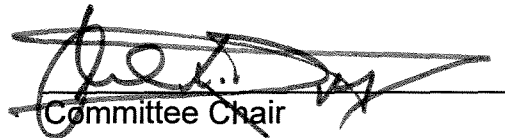
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Your Committee on Zoning recommends that Bill 4 (2004) pass Second Reading, be scheduled for public hearing, and be referred back to Committee. (Ayes: Djou, Cachola, Kobayashi, Marshall, Tam - 5; Noes: None.)

Respectfully submitted,


Committee Chair

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ADOPTED ON

FEB 18 2004

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